



as having been received on November 2, 2022.<sup>4</sup> The Division approved K. K. for Food Stamp benefits effective November 2, 2022.<sup>5</sup>

K. K. testified that she filed an application to renew her Food Stamp benefits in September 2022. In support of her testimony, she provided a copy of a Division notice dated December 2, 2022, which referenced an application for Adult Public Assistance and Medicaid dated September 11, 2020.<sup>6</sup> She testified that she would have filed her recertification application at the same time, because she always checked all the boxes for applicable public assistance programs when she filed for renewal of benefits. K. K. further testified that she filed two follow up Food Stamp recertification applications in October because she needed her benefits.<sup>7</sup>

The Division reviewed its records and was unable to find a recertification application filed for K. K. other than the one dated October 26, 2022.<sup>8</sup> Ms. Hartley testified that she also personally attempted to locate any recertification applications that predated the one dated October 26, 2022, what computer databases she accessed, and that her research did not reveal any earlier filed recertification application.<sup>9</sup> Ms. Hartley further testified that the reference to September 11, 2020 in the notice provided by K. K. was a quirk of the Division's notice system referencing an earlier application for Medicaid and Adult Public Assistance.<sup>10</sup>

### **III. Discussion**

The Food Stamp program is a federal program that is administered by the State.<sup>11</sup> Under the federal regulations governing the program, for a recipient to renew their benefits without an interruption in receiving those benefits, their recertification application must be received by the 15<sup>th</sup> of the month in which their benefits end.<sup>12</sup> If an application is filed within 30 days after the end of the certification period, then benefits are prorated as of the date of the application.<sup>13</sup>

This case involves a factual dispute. K. K. testified that she first filed her application in September, and then refiled it twice in October. The second application would be the one dated October 26, 2022, which K. K. states was hand-delivered to the Division that day. The Division,

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<sup>4</sup> Ex. 3.1.

<sup>5</sup> Ex. 6.

<sup>6</sup> Picture of Division Notice dated December 2, 2022 submitted by K. K. via email on January 30, 2023.

<sup>7</sup> K. K.'s testimony.

<sup>8</sup> Exs. 9, 10.

<sup>9</sup> Ms. Hartley's testimony.

<sup>10</sup> Ms. Hartley's testimony.

<sup>11</sup> 7 C.F.R. § 271.4(a).

<sup>12</sup> 7 C.F.R. § 273.14(b)(1)(i)(B).

<sup>13</sup> 7 C.F.R. § 273.10(a)(1)(ii); 7 C.F.R. § 273.14(e)(3).

however, searched its records and was unable to find an application that predated the October 26, 2022 application, which the Division has stamped as received on November 2, 2022.

Examining the evidence as a whole supports a finding that it is more likely true than not true that K. K. did not submit an application before October 26, 2022. This is because K. K.'s testimony did not quite match with the limited evidence in this case. Notably, she pointed to the Medicaid and Adult Public Assistance notice referencing the September 11, 2020 date as showing that she first filed her recertification application in September 2022. Given the two-year time difference between September 2020 and September 2022, the date reference in the Medicaid and Adult Public Assistance notice does not support her testimony. Further, Ms. Hartley's credible testimony recited in detail the lengths that she went to determine whether an application was filed before the October 26, 2022 recertification application, and corroborated the earlier search done by other Division staff. If K. K. had filed two earlier applications prior to the October 26, 2022 application, there would have been some trace of them in the Division's records. Accordingly, the evidence shows that K. K. was simply mistaken about having filed earlier applications.

The next factual question to be resolved is whether the effective date of the benefits should be October 26, 2022, and not November 2, 2022. The Division has the application date stamped as received on November 2, 2022. K. K. testified that she hand-delivered it to a Division office the same day that she signed it, which would have been October 26, 2022. Given that K. K. would have been without Food Stamp benefits after the end of September 2022, it is highly probable that she wanted to immediately resume receiving those benefits and would have submitted the application as soon as she completed it. It is also possible that the Division was not able to process the application until several days after it was received. Accordingly, K. K. has established that it is more likely true than not true that she hand-filed her application with the Division on October 26, 2022, the same day that she signed it. As a result, her benefit start date would be October 26, 2022.

#### **IV. Conclusion**

The weight of the evidence shows that K. K. did not file her recertification application before October 26, 2022, and that she filed that application with the Division on October 26, 2022, rather than November 2, 2022. Accordingly, her benefit start date is October 26, 2022.

DATED: February 6, 2023.

*Signed*

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Lawrence A. Pederson  
Administrative Law Judge

## Adoption

The undersigned, by delegation from the Commissioner of Health, adopts this Decision, under the authority of AS 44.64.060(e)(1), as the final administrative determination in this matter.

Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with Alaska R. App. P. 602(a)(2) within 30 days after the date of this decision.

DATED this 22<sup>nd</sup> day of February, 2023.

By: *Signed* \_\_\_\_\_  
Lawrence A. Pederson  
Administrative Law Judge

[This document has been modified to conform to the technical standards for publication. Names may have been changed to protect privacy.]